

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VINCENT P. JIMENEZ,

Plaintiff,

v.

No. 11-cv-0707 WJ/SMV

**JEFFREY STONE,
KEVIN TODACHEENIE, and
CITY OF ALBUQUERQUE,**

Defendants.

ORDER

THIS MATTER is before the Court after a telephonic hearing on December 19, 2012. Clerk's Minutes [Doc. 44]. Plaintiff must provide his initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) no later than January 31, 2013. This is his fourth opportunity. If he fails to comply, he will be subject to sanctions up to and including dismissal of this case.

The parties were originally ordered to produce their initial disclosures no later than October 9, 2012. Initial Scheduling Order [Doc. 27] at 2. However, by the Rule 16 Scheduling Conference on October 16, 2012, neither had done so. Clerk's Minutes [Doc. 32] at 1. Defendants were ordered to produce their initial disclosures no later than October 19, 2012,¹ and they complied. *Compare* Clerk's Minutes [Doc. 32] at 2, *with* Certificate of Service [Doc. 36]. Plaintiff was ordered to produce his initial disclosures no later than October 31, 2012. Clerk's Minutes [Doc. 32] at 2. He did not comply. *See* Defendants' Motion to Compel [Doc. 38]. Plaintiff had still not produced his initial disclosures by November 13, 2012. *Id.* at 2.

¹ The Clerk's Minutes erroneously list Defendant's deadline as September 19, 2012, but of course that date had already passed. The actual deadline was October 19, 2012.

Accordingly, Defendants moved to compel. *Id.* The Court granted the motion and again ordered Plaintiff to produce his initial disclosures, this time, no later than December 18, 2012. Order Granting Motion to Compel . . . [Doc. 39] at 2. Plaintiff was warned that failure to comply could result in sanctions up to and including dismissal of the case. *Id.*

The Court held a telephonic hearing on December 19, 2012, and Plaintiff had still not produced his initial disclosures. *See* Clerk's Minutes [Doc. 44] at 1. Plaintiff will be provided one, final opportunity to produce his initial disclosures. He must do so no later than January 31, 2013. If he fails to meet this deadline, he will be subject to sanctions up to and including dismissal of this case.

IT IS THEREOFRE ORDERED, ADJUGED, AND DECREED that Plaintiff shall produce his initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) **no later than January 31, 2013. Plaintiff is admonished that failure to comply with this Order—and failure to comply with any other Court orders or rules of procedure—may result in sanctions up to and including dismissal of the case.**

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge